

Senator Kirk A. Cullimore proposes the following substitute bill:

ETHNIC STUDIES AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: _____

LONG TITLE

General Description:

This bill requires ethnic studies in public schools.

Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education to incorporate ethnic studies into the core standards for Utah public schools (core standards);
- ▶ requires a local education agency to:
 - adopt ethnic studies instructional materials and curriculum that align with core standards; and
 - integrate ethnic studies into regular school work for kindergarten through grade 12;
- ▶ creates the Ethnic Studies Commission (commission) to:
 - study the contributions of ethnic minorities in Utah; and
 - recommend to the state board how to incorporate ethnic studies into core standards;
- ▶ provides a sunset date for the commission; and
- ▶ defines terms.

Money Appropriated in this Bill:



None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-263, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196, 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 382

ENACTS:

53E-4-204.1, Utah Code Annotated 1953

63C-25-101, Utah Code Annotated 1953

63C-25-201, Utah Code Annotated 1953

63C-25-202, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53E-4-204.1** is enacted to read:

53E-4-204.1. Ethnic studies core standards and curriculum requirements.

(1) As used in this section:

(a) "Core standards for Utah public schools" or "core standards" means the standards the state board establishes as described in Section **53E-4-202**.

(b) "Ethnic minority" means an individual who is:

(i) Native American;

(ii) Alaska Native;

(iii) Native Hawaiian;

(iv) Pacific Islander;

(v) Hispanic or Latino;

(vi) Black or African American; or

(vii) Asian.

(c) "Ethnic studies" means the interdisciplinary social and historical study of how different populations have experienced and participated in building the United States of America, including the study of the culture, history, and contributions of ethnic minorities.

(d) "Ethnic Studies Commission" means the Ethnic Studies Commission created in Section 63C-25-201.

(2) (a) The state board shall incorporate ethnic studies into the core standards for Utah public schools.

(b) Before the state board takes formal action to incorporate ethnic studies into the core standards, the state board shall:

(i) consult with the Ethnic Studies Commission; and

(ii) submit the proposed core standards incorporating ethnic studies to the Ethnic Studies Commission for review and recommendations.

(3) In incorporating ethnic studies into the core standards, the state board shall consider, at a minimum:

(a) existing core standards that increase cultural awareness of all Utah communities, especially ethnic minorities;

(b) opportunities to recognize and incorporate into the ethnic studies core standards the histories, contributions, and perspectives of ethnic minorities; and

(c) recommendations of the Ethnic Studies Commission.

(4) Subject to legislative appropriations, the state board shall provide funding for professional learning in ethnic studies for teachers.

(5) (a) By August 1, 2024, an LEA shall select curriculum and instructional materials for teaching ethnic studies to students in kindergarten through grade 12 that:

(i) align with the core standards incorporating ethnic studies described in this section; and

(ii) are integrated with regular school work.

(b) An LEA shall implement an ethnic studies curriculum that, at a minimum:

(i) imparts to students cultural awareness and increases cultural knowledge; and

(ii) includes themes including cultural histories within the context of United States history and global history.

(c) An LEA shall:

(i) modify or revise as needed the ethnic studies instructional materials and curriculum the LEA selects as described in Subsection (5)(a), to ensure alignment with core standards incorporating ethnic studies; and

(ii) submit a report to the state board that provides evidence that LEA is complying with the requirements of Subsections (5)(a) and (b).

(d) In fulfilling the requirements of this section, an LEA may offer a course on ethnic studies.

(6) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules:

(a) to develop guidelines and methods for LEAs to more fully incorporate ethnic studies into other core standards for Utah public schools courses; and

(b) for the report described in Subsection (5)(c).

(7) The guidelines and methods described in Subsection (6)(a) may not change:

(a) the number of instructional hours required for elementary and secondary students;

or

(b) the number of instructional hours dedicated to the existing curriculum.

Section 2. Section **63C-25-101** is enacted to read:

CHAPTER 25. ETHNIC STUDIES COMMISSION

Part 1. General Provisions

63C-25-101. Definitions.

As used in this part:

(1) "Commission" means the Ethnic Studies Commission created in Section [63C-25-201](#).

(2) "Core standards for Utah public schools" or "core standards" means the standards the state board establishes as described in Section [53E-4-202](#).

(3) "Education entity" means:

(a) the Utah Board of Higher Education;

(b) an institution of higher education, as that term is defined in Section [53B-3-102](#);

(c) the state board;

(d) a local school board;

(e) a charter school governing board;

(f) a school district;

(g) a district school;

(h) a charter school; or

(i) the Utah Schools for the Deaf and the Blind.

(4) "Ethnic minority" means the same as that term is defined in Section [53E-4-204.1](#).

(5) "Ethnic studies" means the same as that term is defined in Section [53E-4-204.1](#).

(6) "State board" means the State Board of Education.

Section 3. Section **63C-25-201** is enacted to read:

Part 2. Ethnic Studies Commission

63C-25-201. Ethnic Studies Commission created.

(1) There is created the Ethnic Studies Commission to:

(a) consider and review the contributions of ethnic minorities to the state; and

(b) make recommendations to the state board for incorporating ethnic studies into core standards.

(2) The commission consists of the following members:

(a) five members of the Senate, appointed by the president of the Senate;

(b) five members of the House of Representatives, appointed by the speaker of the House of Representatives; and

(c) two members appointed by the governor.

(3) (a) A majority of the members of the commission constitutes a quorum of the commission.

(b) The action by a majority of the members of a quorum constitutes the action of the commission.

(4) (a) The salary and expenses of a commission member who is a legislator shall be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(b) A commission member who is not a legislator may not receive compensation or benefits for the member's service on the commission, but may receive per diem and reimbursement for travel expenses incurred as a commission member at the rates established by the Division of Finance under:

(i) Sections [63A-3-106](#) and [63A-3-107](#); and

(ii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and [63A-3-107](#).

(5) The state board shall provide staff support to the commission.

Section 4. Section **63C-25-202** is enacted to read:

63C-25-202. Ethnic Studies Commission duties.

(1) The commission shall:

(a) review the contributions of ethnic minorities in the state;

(b) advise the governor, state agencies, and the Legislature regarding issues that impact ethnic minorities;

(c) make recommendations for recognizing the contributions of ethnic minorities in the state, including:

(i) policy recommendations to the governor; and

(ii) recommendations for legislation to the Legislature;

(d) review proposed core standards incorporating ethnic studies the state board submits as described in Section [53E-4-204.1](#); and

(e) make recommendations to the state board for incorporating ethnic studies into core standards.

(2) (a) The commission may establish subcommittees as needed to assist the commission in accomplishing the commission's duties under this section.

(b) A subcommittee described in Subsection (2)(a) may include representatives from:

(i) community organizations;

(ii) education entities; or

(iii) the general public.

Section 5. Section **63I-1-263** is amended to read:

63I-1-263. Repeal dates, Titles 63A to 63N.

(1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

(a) Section [63A-16-102](#) is repealed;

(b) Section [63A-16-201](#) is repealed; and

(c) Section [63A-16-202](#) is repealed.

(2) Subsection [63A-5b-405](#)(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.

(3) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1, 2023.

(4) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review

181 Committee, are repealed July 1, 2023.

182 (5) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed July
183 1, 2025.

184 ~~[(5)]~~ (6) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed
185 July 1, 2028.

186 ~~[(6)]~~ (7) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
187 2025.

188 ~~[(7)]~~ (8) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed
189 July 1, 2024.

190 ~~[(8)]~~ (9) Title 63C, Chapter 17, Point of the Mountain Development Commission Act,
191 is repealed July 1, 2023.

192 ~~[(9)]~~ (10) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is
193 repealed July 1, 2023.

194 ~~[(10)]~~ (11) Title 63C, Chapter 23, Education and Mental Health Coordinating Council,
195 is repealed July 1, 2026.

196 ~~[(11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed~~
197 ~~July 1, 2025.]~~

198 (12) Title 63C, Chapter 25, Ethnic Studies Commission, is repealed July 1, 2026.

199 ~~[(12)]~~ (13) Section [63G-6a-805](#), which creates the Purchasing from Persons with
200 Disabilities Advisory Board, is repealed July 1, 2026.

201 ~~[(13)]~~ (14) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
202 July 1, 2025.

203 ~~[(14)]~~ (15) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
204 July 1, 2024.

205 ~~[(15)]~~ (16) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
206 2026.

207 ~~[(16)]~~ (17) Subsection [63J-1-602.1](#)(17), Nurse Home Visiting Restricted Account, is
208 repealed July 1, 2026.

209 ~~[(17)]~~ (18) (a) Subsection [63J-1-602.1](#)(61), relating to the Utah Statewide Radio
210 System Restricted Account, is repealed July 1, 2022.

211 (b) When repealing Subsection [63J-1-602.1](#)(61), the Office of Legislative Research and

212 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
213 necessary changes to subsection numbering and cross references.

214 ~~[(18)]~~ (19) Subsection 63J-1-602.2(5), referring to dedicated credits to the Utah
215 Marriage Commission, is repealed July 1, 2023.

216 ~~[(19)]~~ (20) Subsection 63J-1-602.2(6), referring to the Trip Reduction Program, is
217 repealed July 1, 2022.

218 ~~[(20)]~~ (21) Subsection 63J-1-602.2(24), related to the Utah Seismic Safety
219 Commission, is repealed January 1, 2025.

220 ~~[(21)]~~ (22) Title 63J, Chapter 4, Part 5, Resource Development Coordinating
221 Committee, is repealed July 1, 2027.

222 ~~[(22)]~~ (23) In relation to the advisory committee created in Subsection 63L-11-305(3),
223 on July 1, 2022:

224 (a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and

225 (b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed.

226 ~~[(23)]~~ (24) In relation to the Utah Substance Use and Mental Health Advisory Council,
227 on January 1, 2023:

228 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
229 repealed;

230 (b) Section 63M-7-305, the language that states "council" is replaced with
231 "commission";

232 (c) Subsection 63M-7-305(1) is repealed and replaced with:

233 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

234 (d) Subsection 63M-7-305(2) is repealed and replaced with:

235 "(2) The commission shall:

236 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
237 Drug-Related Offenses Reform Act; and

238 (b) coordinate the implementation of Section 77-18-104 and related provisions in
239 Subsections 77-18-103(2)(c) and (d).".

240 ~~[(24)]~~ (25) The Crime Victim Reparations and Assistance Board, created in Section
241 63M-7-504, is repealed July 1, 2027.

242 ~~[(25)]~~ (26) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed

243 July 1, 2022.

244 ~~[(26)]~~ (27) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,

245 2026.

246 ~~[(27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating~~

247 ~~Council, is repealed July 1, 2024.]~~

248 (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

249 (29) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July

250 1, 2028.

251 (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed

252 January 1, 2021.

253 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for

254 calendar years beginning on or after January 1, 2021.

255 (c) Notwithstanding Subsection(30)(b), an entity may carry forward a tax credit in

256 accordance with Section 59-9-107 if:

257 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December

258 31, 2020; and

259 (ii) the qualified equity investment that is the basis of the tax credit is certified under

260 Section 63N-2-603 on or before December 31, 2023.

261 (31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed

262 July 1, 2023.

263 (32) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,

264 2025.

265 (33) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,

266 is repealed January 1, 2028.